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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,036	02/13/2002	John Joseph Mascavage III	020375-002100US	7402
20350	7590	08/19/2008	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			MAGUIRE, LINDSAY M	
TWO EMBARCADERO CENTER				
EIGHTH FLOOR			ART UNIT	PAPER NUMBER
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			08/19/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/076,036	MASCAVAGE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	LINDSAY M. MAGUIRE	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 July 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 and 24-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 and 24-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

This Non-Final Office Action is in response to the application filed on February 13, 2002 and the amendments filed on January 31, 2007, the Appeal Brief filed on October 9, 2007, the response filed on February 28, 2008, and the Request for Continued Examination filed on July 10, 2008.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPub. No. 2002/0152160 (Allen-Rouman et al. '160), in view of U.S. Pat. No. 6,058,417 (Hess et al. '417), and in further view of [www.tomsown.com/htmlsnippet.html](http://www.tomsown.com/htmlsnippet.html) (Tomsown).

**Re Claim 1:** Allen-Rouman et al. '160 disclose a method for facilitating payment between a buyer and a seller with an online money transfer performed over a wide area network (Abstract), the method comprising steps of: receiving login information relevant to a vending site, wherein the login information is associated with the seller (paragraph [0099]); automatically determining listings at the vending site associated with the seller wherein the listings offer goods or services for sale (Figure 1C); generating a plurality of

HTML code for the listings, wherein each includes a link (paragraph [0051]); automatically inserting one of the plurality of code into each of the listings, wherein activating the link points a web browser to a payment enabler that can transfer money from the buyer to the seller (paragraphs [0051 & 0077]), and wherein the vending site is separate from the payment enabler (paragraph [0052]).

Allen-Rouman et al. '160 disclose the method substantially as claimed with the exception of requiring: (a) the vending site facilitates person-to-person sales, wherein the vending site is one of an auction site or a classified advertising site; (b) wherein the listings are one of auctions, electronic advertisements, or classified advertisements; (c) generating a plurality of snippets of HTML code for the listings, wherein each snippet includes a link; and (d) determining the listing has changed, and changing a graphic indicated by the snippet, which is caused, at least in part, by the determining step.

Regarding (a), (b), & (d), Hess et al. '417 disclose a vending site for person-to-person sales (abstract) that is an auction site with a listing of auctions (column 1, lines 15-21), and determining that a listing has changed, and changing a graphic (Figure 8; column 8, line 60 – column 9, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Allen-Rouman et al. '160, in view of the teachings of Hess et al. '417, for the basic reason of correcting the deficiencies in auction sites, as identified in Hess et al. '417 (paragraph [0008]).

Regarding (c), Tomsown discloses that the use of html snippets is links and buttons is well known in the art to place a link associated with a graphic or button. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hess et al. '417, in view of the teachings of Tomsown, to include the use of HTML snippets for the basic reasoning of creating buttons that act as links for users.

**Re Claim 2:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including that one of the plurality of snippets indicates a graphic associated with the snippet and information unique to the seller and a listing including the snippet (Tomsown; Hess et al. '417: column 8, line 60 - column 9, line 3).

**Re Claim 3:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, wherein: the determining step comprises a step of concluding the listing has matured, whereby the purchaser is fixed (Hess et al. '417: column 8, line 60 – column 9, line 3); and the changing step comprises a step of modifying a button graphic displayed by the snippet to reflect the listing is available to the buyer (Allen-Rouman et al. '160: paragraphs [0051, 0094, 0096, 0099]).

**Re Claim 4:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including determining one of the plurality of listings has matured, whereby the buyer is fixed (Allen-Rouman et al. '160: column 8, line 60 – column 9, line

3); automatically determining an electronic address of the purchaser (Allen-Rouman et al. '160: 302a; i.e. in order to send a message of payment failure the system would obviously have to have the purchaser's electronic address); and automatically sending a message to the electronic address of the purchaser (Allen-Rouman et al. '160: 302a).

**Re Claim 5:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including wherein the message includes at least one of a web page, an instant message, an e-mail message, a pager message, or a wireless phone message (Allen-Rouman et al. '160: 302a; paragraph [0074]).

**Re Claim 6:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including further comprising a step of automatically determining a purchase price from the vending site (Allen-Rouman et al. '160: paragraph [0060]).

**Re Claim 7:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including that the message includes a snippet that points to the payment enabler and includes information relating to a listing associated with that snippet (Tomsown; Allen-Rouman et al. '160: paragraphs [0051, 0052, & 0060]).

**Re Claim 8:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including comprising a step of determining from the vending site at least one of: a purchase price, a shipping amount, a listing description, a reference

identifier used by the vending site, or an e-mail address of the buyer (Allen-Rouman et al. '160: paragraphs [0051, 0060, & 0100]).

**Re Claim 9:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including comprising a step of receiving selection of a button graphic for display by the snippet (Tomsown; Hess et al. '417: column 6, lines 42-45; column 8, line 60 – column 9, line 45).

**Re Claim 10:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, receiving authorization from the buyer to debit a money handler associated with the buyer (Allen-Rouman et al. '160: Figure 1C); and adding a credit in a stored value account of the seller as a result of the receiving authorization step (Allen-Rouman et al. '160: Figure 1C).

**Re Claim 11:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including comprising a step of receiving at least two of a shipper selection, shipping insurance cost information, an address for the seller, tax information, an item description, a reference number, a payment enabler category, a purchase price, a phone number for the seller, a close date for the listing, or a quantity of items in the listing (Allen-Rouman et al. '160: paragraphs [0051, 0060, & 0100]).

**Re Claim 12:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including comprising a step of receiving from the seller a message that is embedded in the plurality of snippets for display as part of each listing (Tomsown; Allen-Rouman et al. '160: paragraph [0074]).

**Re Claim 13:** Allen-Rouman et al. '160/ Hess et al. '417/Tomsown disclose the method in *supra*, including comprising a step of receiving login information relevant to a plurality of vending sites, wherein the login information for each of the plurality of vending sites is associated with the seller (Allen-Rouman et al. '160; paragraphs [0099 & 0100]).

**Re Claims 14-22 & 24-27:** Further method claims would have been obvious from the previously rejected method claims 1-13 and are therefore rejected using the same art and rationale.

***Requirement for Information Under 37 CFR §1.105***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. Specifically, it is requested that applicant give a concise statement of the relevance on all cited references who's dates are before 1950. It is unclear to the examiner how references from 1874, 1873, 1908, etc. are relevant to the current application.

***Response to Arguments***

Applicant's arguments with respect to claims 1-22 & 24-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts of disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY M. MAGUIRE whose telephone number is (571)272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-670202. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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